

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

TODD GAETANO, individually and on  
behalf of all others similarly situated,

Plaintiff

- against -

LIVE NATION ENTERTAINMENT INC.,  
and  
TICKETMASTER, LLC,

Defendants.

Case No. 1:18-cv-01195-FJS-TWD

**JOINT STIPULATION AND  
[PROPOSED] ORDER STAYING  
CASE**

Defendants Live Nation Entertainment, Inc. and Ticketmaster, LLC (“Defendants”) and Plaintiff Todd Gaetano hereby stipulate, through their undersigned counsel, to the following stay, subject to the approval of the Court. In support of this joint stipulation, the parties state as follows:

1. Plaintiff filed the Complaint (ECF No. 1) on October 4, 2018.
2. Defendants’ response to the Complaint is currently due on March 4, 2019.
3. Defendants, after reviewing the allegations in the Complaint and conducting an initial investigation of the claims therein, have determined that they will move to compel arbitration in this case on the ground that Plaintiff’s claims are subject to a mandatory arbitration provision.
4. Defendants recently moved to compel arbitration in three substantially similar cases: *Dickey v. Ticketmaster LLC*, No. 2:18-cv-09052-GW-GJS (C.D. Cal.), *Lee v. Ticketmaster L.L.C.*, No. 3:18-cv-05987-VC (N.D. Cal.), and *Ameri v. Ticketmaster LLC*, No. 3:18-06750-VC (N.D. Cal.). Those motions are pending, and are currently scheduled to be heard on February 21, 2019 (*Dickey*) and March 7, 2019 (*Lee* and *Ameri*). Defendants expect to receive rulings on these motions to compel arbitration sometime in the next few months.

5. The parties have conferred and agree that, given the similarities among these cases, a limited stay of this case would be the most efficient path forward: it would give the courts in *Dickey*, *Lee*, and *Ameri* time to rule on the pending motions to compel arbitration, and allow the parties to determine next steps in light of those rulings.

6. Therefore, in order to conserve party and judicial resources, the parties have agreed to stay this matter until June 7, 2019, by which date the parties anticipate that the courts will have ruled on Defendants' motions to compel arbitration in the *Dickey*, *Lee*, and *Ameri* matters.

7. The parties therefore stipulate and agree that, subject to the Court's approval:

- a. This matter is stayed until **June 7, 2019**.
- b. No response to the Complaint is due on March 4, 2019; rather, that deadline will be moved to **June 7, 2019**.

*[Signatures on following page]*

Dated: January 24, 2019

Respectfully Submitted,

LATHAM & WATKINS LLP

By: /s/ Jamie L. Wine

Jamie L. Wine (Bar No. 700697)

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*Attorneys for Defendants Ticketmaster LLC  
and Live Nation Entertainment, Inc.*

Dated: January 24, 2019

SHEEHAN & ASSOCIATES, P.C.

By: /s/ Spencer Sheehan

Spencer Sheehan (Bar No. 519087)

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Great Neck, NY 11021  
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*spencer@spencersheehan.com*

*Attorneys for Plaintiff Todd Gaetano*

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Frederick J. Scullin, Jr.  
United States District Judge

**ATTESTATION**

I am the ECF user whose identification and password are being used to file the foregoing Joint Stipulation Staying Case. Pursuant to Section 6.3 of General Order 22, I, Jamie L. Wine, attest that concurrence in the filing of this document has been obtained.

Dated: January 24, 2019

*/s/ Jamie L. Wine*

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Jamie L. Wine

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**CERTIFICATE OF SERVICE**

I, Jamie L. Wine, certify that:

1. I am employed by the law firm Latham & Watkins LLP at 885 Third Avenue, New York, NY, 10022, counsel for Live Nation Entertainment Inc. and Ticketmaster, LLC.

2. On January 24, 2019, I served a true and correct copy of the Joint Stipulation and [Proposed] Order Staying Case, dated January 24, 2019, upon all counsel of record who have entered an electronic appearance in this matter by electronically filing such documents via the Court's CM/ECF system.

Dated: January 24, 2019

/s/ Jamie L. Wine  
Jamie L. Wine (Bar No. 700697)